

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD C. RICHARDSON,

Plaintiff,

v.

CITY OF DETROIT RETIREMENT SYSTEMS,
et. al.,

Defendants.

Case Nos. 12-12361 and 12-12362

Honorable John Corbett O'Meara

ORDER DENYING PLAINTIFFS' MOTIONS TO DISQUALIFY

This matter came before the court on plaintiff Donald C. Richardson's July 10, 2012 motions to disqualify the court. No response was filed, and no oral argument was heard.

In both motions Plaintiff claims that the court should disqualify itself from hearing these matters because Dennis Archer, a defendant in these cases, was a member of the same law firm as the judge of this court. Plaintiff describes Archer as the "head of that firm." Plaintiff's mot. at 1. Plaintiff expressed suspicion that these cases were originally assigned to other judges before being "unexpectedly reassigned" to this court. *Id.* at 2. Plaintiff requests that the court disqualify itself "in the interest of avoiding the appearance of impropriety." *Id.*

Pursuant to federal statute, "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might *reasonably* be questioned." 28 U.S.C. § 455(a) (emphasis added). The statute indicates that judges shall disqualify themselves in cases "[w]here he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding" 28 U.S.C. § 455(b)(1).

In this case the court's impartiality cannot be reasonably questioned. Upon appointment to the federal bench, this judge left the Detroit law firm of Dickinson, Wright nearly 18 years ago. Although Dennis Archer, the former mayor of the City of Detroit, was also a member of that law firm, he was not the "head of that firm" at any time during this judge's employment. This court heard many cases against the City of Detroit while Mayor Archer was in office, and there was and is no appearance of impropriety. The court has no personal bias in favor of or against defendant Archer and has no personal knowledge of disputed evidentiary facts concerning the cases before it.

In addition, the reassignment of these cases to this court from two other judges was based solely on Local Rule 83.11(b)(7), which governs the reassignment of companion cases.

ORDER

It is hereby **ORDERED** that Plaintiff's July 10, 2012 motions to disqualify are **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: August 21, 2012

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 21, 2012, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager